



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/537,662

11/30/2005

Raphael Labourier

0517-1055

6354

466

7590

11/25/2008

YOUNG & THOMPSON

209 Madison Street

Suite 500

ALEXANDRIA, VA 22314

EXAMINER

SETO, JEFFREY K

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

11/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,662	Applicant(s) LABOURIER, RAPHAEL	
	Examiner Jeffrey Seto	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 1-3, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 are pending.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. However, since an English translation of the French application has not been received, the effective filing date of this application remains the filing date of the PCT application, 12-8-2003.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text would follow the section heading, then the section may be omitted:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

Art Unit: 2446

- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

Claim Objections

- 4. Claims 1-3, 6 & 7 are objected to because of the following informalities:
 - a. Regarding claim 1:
 - i. “the dynamic data” in line 12 lacks antecedent basis;
 - ii. “the client computers” in line 14 lacks antecedent basis;
 - iii. “date” in line 14 should be changed to “data”; and,
 - iv. “the different production” in line 15 lacks antecedent basis.
 - b. Regarding claims 2 & 3, “consist in” in lines 4 & 5 respectively, should be changed to “consists of”.
 - c. Regarding claims 6 & 7, “the second timestamp” in line 3 of each claim lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2446

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 17 of the claim, it is not clear if "said system" refers to the "tracking system", the "primary real time system", or the "secondary real time system". For examination purposes, it has been interpreted as referring to the "tracking system".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6 & 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0024481 to Labourier, in view of U.S. Patent Application Publication No. 2002/0095491 to Edmonds, et al. (Edmonds).

7. Regarding claim 1, Labourier teaches a computer-assisted production tracking system of one or several workshops or production lines respectively comprising one or several machines consisting of at least one primary real time system comprising at least one inlet connected to at least one machine and/or at least one secondary real time system of the machine(s) and at least one outlet connected to at least one server (See page 1, paragraph 13, lines 1-5), said primary real time system and/or the secondary real time system comprising a program which can determine the operating mode of said

Art Unit: 2446

machine and/or the operating time in each of these modes from the dynamic data transmitted by the machine (See pp. 1-2, par. 13, lines 5-21) and/or the secondary real time system, the server making the data available to the client computers of the different production, quality or similar departments that are connected to the server via an Intranet (See p. 2, par. 13, lines 21-28) or Internet network.

Labourier does not specifically teach that the primary real time system and/or secondary real time systems comprise a program which can allocate a date and a time to each piece of dynamic data it receives and record this data in at least a first file known as timestamp file so that the server can make this date stamped data available to the client computers. However, Edmonds teaches this limitation (See p. 3, par. 29; Fig. 2; and, p. 4, par. 38, lines 3-12; wherein data on each production unit includes date and time information, so that the Date-Time column in the tables and webpage, shown in Figures 4-6, can be populated any time a client query is submitted).

Using the features of Edmonds in the system of Labourier would have provided more detailed information to the operators, and made it easy to determine when an event, such as production of a product with a defect, occurred. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Edmonds and Labourier.

8. Regarding claim 2, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier further teaches the data received by the primary real time system and/or the secondary real time systems consists of dynamic data transmitted by the machines (See p. 1, par. 13, lines 1-4) and/or by the secondary real

Art Unit: 2446

time systems and/or at least one computer-assisted production tracking computer program or similar.

9. Regarding claim 3, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier further teaches the data received by the primary real time system and/or the secondary real time systems consists of the dynamic data transmitted by a control box (See p. 3, par. 29, lines 16-19) and/or by a control panel and/or by analogue measuring devices connected to the primary real time system or secondary real time systems and/or by a thin client connected to the web server.

10. Regarding claim 4, Labourier in view of Edmonds teach the invention as described in claim 3. Labourier further teaches the first data file is transmitted to the server so as to record said data on a second file (See p. 2, par. 20, lines 5-14; wherein the first data file resides on the automat 1 (real-time system) and is transmitted to the server 5 and stored as a second data file). Labourier does not teach that the first file is transmitted to the server at regular intervals. However, Edmonds teaches this limitation (See p. 3, par. 26, lines 22-24; wherein periodically updating includes updating at regular periods).

Using the features of Edmonds in the system of Labourier would have insured that production data available for the clients was current and up to date. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Edmonds and Labourier.

11. Regarding claim 6, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier does not teach the contents of the second timestamp

Art Unit: 2446

file of the server are recorded onto a database at regular intervals. However, Edmonds teaches this limitation (See p. 3, par. 26, lines 22-24; wherein periodically updating includes updating at regular periods).

Using the features of Edmonds in the system of Labourier would have insured that production data available to the clients was current and up to date. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Edmonds and Labourier.

12. Regarding claim 9, Labourier in view of Edmonds teach the invention as described in claim 4. Labourier further teaches when the client computer connects to the server, said server makes the date stamped data issuing from the first timestamp file and/or the second timestamp file and/or the database available to the client computer in the form of web pages (See p. 2, par. 13, lines 21-24).

13. Regarding claim 10, Labourier in view of Edmonds teach the invention as described in claim 4. Labourier further teaches the database is recorded on an Intranet server connected to the server (See p. 3, par. 25, lines 1-3, and par. 29, lines 21-24).

14. Regarding claim 11, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier further teaches the client computer(s) comprise an application which generates a screen and/or a web page containing the data requested by the client computer (See p. 2, par. 13, lines 21-31).

Art Unit: 2446

15. Claims 5, 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labourier, in view of Edmonds, as applied to claims 1 & 4 above, and further in view of Official Notice.

16. Regarding claim 5, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier and Edmonds do not specifically teach that the first file is transmitted to the server when said file reaches a pre-set critical size. However, the examiner takes Official Notice that it is notoriously well know in the art to transfer data from one location to another when the amount of data reaches a pre-set size, such as the size of a buffer, or other memory. Transmitting data from a file in a data collection device to a server when a critical size is reached would have prevented the overflow of data in the buffer holding the file, thereby preventing loss of data. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine this feature with the system of Labourier in view of Edmonds.

17. Regarding claim 7, Labourier in view of Edmonds teach the invention as described in claim 1. Labourier and Edmonds do not specifically teach that the contents of the second file of the server are recorded onto a database when said file reaches a pre-set critical size. However, the examiner takes Official Notice that it is notoriously well know in the art to transfer data from one location to another when the amount of data reaches a critical size, such as the size of a buffer, or other memory. Transmitting data from a file in a data collection device to a server when a critical size is reached would have prevented the overflow of data in the buffer holding the file, thereby preventing loss of data. Therefore, it would have been obvious to one of ordinary skill in

Art Unit: 2446

the art, at the time of the invention, to add this well known feature into the system of Labourier in view of Edmonds.

18. Regarding claim 8, Labourier in view of Edmonds teach the invention as described in claim 4. Labourier and Edmonds do not specifically teach that at the end of recording the contents of the second file onto the database, said contents of the second file are deleted in order to allow the recording of new data in the file. However, the examiner takes Official Notice that it is notoriously well know in the art to delete data that is no longer needed from a file in order to make room for new data. Doing so would have allowed the same file to be used over and over again thereby simplifying the hardware and software needed to complete the task. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add this well know feature into the system of Labourier in view of Edmonds.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Seto whose telephone number is (571)270-7198. The examiner can normally be reached on Monday thru Thursday and alt. Fridays, 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 273-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2446

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKS

11/20/2008

/Joseph E. Avellino/
Primary Examiner, Art Unit 2446